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CONCORD, N.H.

Mr. Adelard E. Cote, Commissioner  
Chairman-Committee on Claims  
Labor Department  
Star Building  
Concord, New Hampshire

Dear Sir:

You have requested an opinion from this office relative to whether persons working for the Department of Public Works and Highways on a temporary basis are covered by the Workmen's Compensation Law. I understand that the Department of Public Works and Highways in many instances performs work for cities and towns. In the performance of this work there are, in addition to regular state employees, extra employees hired by the Department and relieved from employment when the project has been completed. Such employees are initially paid by the State and the city or town later reimburses the State for the costs of material and labor performed in the project.

It is my opinion that such employees are properly considered to be employees of the State and under the Workmen's Compensation Law. The basis for this conclusion is that they are considered to be temporary employees by the Division of Personnel, they are paid by the State, they are under the supervision and direction of the Department of Public Works and Highways and they may be relieved from employment by the Department of Public Works and Highways. The provisions of RSA 281:5, indicates that the Governor and Council may award compensation to employees of the State receiving personal injury as defined therein. There appears to be no differentiation between regular state employees or temporary employees.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T